

REMARKS/ARGUMENTS

Following entry of the present Response and Amendment, claims 1-16, 18-31, and 34-41 remain pending in this application, with claims 1, 23 and 35 being written in independent format.

The Office Action rejected claims 1-16, 23-31 and 34-40 under 35 U.S.C. § 101 as purportedly being directed to non-statutory subject matter.

The subject matter of claims 17-22 was indicated by the Office Action as being directed to allowable subject matter.

In the present Response and Amendment, claims 1, 18, 23-31 and 34-40 have been amended. These claims have been amended to clarify the subject matter of the present invention, and to place the present application in better condition for allowance. Additionally, new claim 41 has been introduced for examination upon the merits in order to recite additional patentable aspects of Applicant's invention.

Applicant submits that the above-requested amendments do not add prohibited new subject matter, and respectfully requests reconsideration of the merits of the present application in accordance with these amendments and the following remarks.

Claim Rejections under 35 U.S.C. § 101

The Office Action rejected claims 1-16, 23-31 and 34-40 under 35 U.S.C. § 101. Specifically, the Office Action maintains that the claimed invention is directed to non-statutory subject matter in that the rejected claims "are not limited to the technological arts." Insofar as this rejection applies to the claims as presently amended, Applicant respectfully traverses.

In the above listing of the claims, Applicant has requested amendments to independent claim 1 to explicitly incorporate the limitation of original claim 17 (now cancelled). Claim 18 has been amended to reflect a change in dependency necessitated by the cancellation of claim 17. As claim 17 was indicated as being directed to allowable subject matter by the Office Action, it is believed that this amendment obviates any rejections under section 101 for claims 1-6 and 18-22.

Applicant has also requested amendments to independent claims 23 and 35. Both of

these claims have been amended in similar manner to claim "computer program product" instead of methods. Such computer program products have been specifically recognized by the courts as being statutory subject matter in accord with 35 U.S.C. § 101. The preambles of the claims depending from claims 23 and 35 have been amended to maintain consistency, and the dependency of claim 24 has been corrected to properly recite dependency from claim 23, not 22. As claims 23-31 and 24-30 were not rejected based upon prior art, it is believed that the amendments to these claims obviate all bases for rejection raised against these claims.

New Claims

Applicant has herein introduced new claim 41 for examination upon the merits. Support for this new claim is found throughout Applicant's original specification. This new claim recites an additional patentable aspect of the invention.

Appropriate consideration of this new claim 41 is requested.

Conclusion

In view of the foregoing, the Applicant respectfully requests that the Examiner consider the above-noted Response and Amendment when the claims are re-examined on its merits. Applicant respectfully submits that all pending claims are directed to patentable subject matter and are allowable over the prior art. Appropriate reconsideration and a timely Notice of Allowability regarding the currently pending claims is requested.

While Applicant has introduced a new claim for examination upon the merits, it is not believed that this new claim raises the current number of pending claims above the number for which fees were previously paid. Thus, it is believed that no "additional claims fees" are due at this time, and accordingly no payment of such is being submitted herewith. However, if there are any additional claims fees due in connection with the filing of this Response and Amendment, please charge any necessary fees to Deposit Account No. 50-1349.


Applicant has also herewith submitted an Amendment Transmittal form requesting a retroactive three-month extension of time for filing this Response and Amendment, and has submitted a check for an amount corresponding to the appropriate fee for such an extension. If the amount of this check is incorrect, please charge any deficiency or credit any overpayment to Deposit Account No. 50-1349.

The Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Respectfully submitted,

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